

E N D O R S E M E N T

DIMON v. METROPOLITAN LIFE INSURANCE CO., ET. AL.
05-cv-11073-MEL


LASKER, D.J.

Plaintiff Dennis Dimon and Defendant Morgan Stanley jointly move to dismiss Morgan Stanley. Defendant Metropolitan Life Insurance ("MetLife") opposes the motion and requests leave to file cross claims against Morgan Stanley. MetLife alleges that it discovered new information in September 2006 that provides the basis for its cross claims. However, MetLife did not move to assert its cross claims until January 2007. Due to MetLife's unexplained delay in moving to file its cross claims and the proximity of the trial date, it would be unfair to force Morgan Stanley to defend against such claims at this stage of the proceedings. Permitting MetLife to assert new claims at this time would also unduly delay trial for the remaining parties.

For the foregoing reasons, Dimon and Morgan Stanley's joint motion to dismiss Morgan Stanley is GRANTED.

It is so ordered.

Dated: January 25, 2007
Boston, Massachusetts


/s/ Morris E. Lasker
U.S.D.J.